

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Johanna L. MacMaster,

Debtor.

Case No. 22-48028-LSG

Chapter 7

Hon. Lisa S. Gretchko

Sean MacMaster,

Plaintiff,

v.

Adv. Case No. 22-4324-LSG

Johanna MacMaster,

Defendant.

**CONSENT JUDGMENT OF NONDISCHARGEABILITY AS TO COUNT II
OF COMPLAINT (CLAIMS UNDER 11 U.S.C. § 523(a)(6))**

This matter came before the Court upon the stipulation (“Stipulation”; ECF No. 49) between Plaintiff and Defendant consenting to the entry of this Consent Judgment. On November 22, 2022, Plaintiff filed the Complaint in the above-captioned Adversary Proceeding (ECF No. 1). On July 25, 2023, the Court issued an Opinion and an Order Granting in Part, and Denying in Part, Plaintiff’s Motion for Partial Summary Judgment (“SJ Opinion and Order”; ECF Nos. 33 and 34) adjudicating Plaintiff’s claims under Count I of the Complaint. Thereafter, the Court determined it appropriate to hold in abeyance the claims asserted in Count II of the Complaint in this Adversary Proceeding, because the substance of the claims in Count II (as opposed to the dischargeability of said claims) was being litigated in a proceeding between Plaintiff and Defendant pending in the United States District Court for the Eastern District of Michigan, titled *Sean MacMaster vs. David*

Busacca, Brian Kolodziej, Michael Gerard, Lauren Schipani and Johanna MacMaster, jointly and severally, Case No. 21-cv-11052, and assigned to the Hon. Stephen J. Murphy, III (the “District Court Case”). This Court is now advised that, following mediation conducted in the District Court Case, the parties have reached an agreement on terms of settlement (“Settlement”). As part of the terms of Settlement, the parties have agreed to the entry of this Consent Judgment of Nondischargeability as to Count II of the above-captioned Adversary Proceeding. The Court has reviewed the Complaint, the SJ Opinion and Order, the Stipulation and other pertinent pleadings, has considered the statements made during status conferences held on August 21, 2023, February 12, 2024, February 26, 2024, August 26, 2024, November 25, 2024, and March 24, 2025 in this Adversary Proceeding, and is advised in this matter. Based upon the Stipulation, the Court finds cause to enter this Consent Judgment.

NOW, THEREFORE, IT IS HEREBY ORDERED that Judgment in the sum of one million and no/100 (\$1,000,000.00) dollars (“Judgment”) is entered in favor of Plaintiff, Sean MacMaster, and against Defendant, Johanna MacMaster.

IT IS FURTHER ORDERED that this Judgment is nondischargeable pursuant to 11 U.S.C. § 523(a)(6), inasmuch as the acts of Defendant enumerated in the Amended Complaint filed in the District Court Case constitute willful and malicious injury to Plaintiff, Sean MacMaster.

IT IS FURTHER ORDERED that notwithstanding the fact that this Judgment may be satisfied as a result of the payment provided for under the terms of Settlement reached in the District Court Case (payment of \$1,000,000.00), in the event that Plaintiff is required or compelled to return any or all of the amount of the Settlement payment as a result of a claim made under Chapter 5 of the U.S. Bankruptcy Code or under Michigan’s Uniform Voidable Transactions Act, M.C.L. § 566.31, *et seq.*, within six (6) years of the date of transfer (as that term is defined

by the Bankruptcy Code), the remaining balance shall continue to be a claim against Defendant Johanna MacMaster and nondischargeable under 11 U.S.C. § 523(a)(6).

Signed on April 25, 2025



/s/ Lisa S. Gretchko

Lisa S. Gretchko
United States Bankruptcy Judge